

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PETER BROWN,)
)
Plaintiff,)
)
v.) No. 1:20-cv-01020-JPH-MJD
)
STATE OF INDIANA,)
FISCHER Sgt. of IMPD,)
)
Defendants.)

ORDER

I. Granting *in forma pauperis* status

Mr. Brown's motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**.

See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Mr. Brown to proceed without prepaying the filing fee, he remains liable for the full fees.

Ross v. Roman Catholic Archdiocese of Chi., 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without prepayment of fees,' . . . but not without ever paying fees.").

No payment is due at this time.

II. Directing Service

All claims against the State of Indiana must be **dismissed**.¹ Indiana is subject to dismissal in this matter because "a State cannot be sued directly in its own name regardless of the relief sought," absent consent or permissible

¹ The Court may dismiss claims within a complaint that fail to state a claim upon which relief may be granted. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). The Court does not address the viability of the other claims asserted in the complaint.

congressional abrogation pursuant to the Eleventh Amendment to the U.S. Constitution. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985); *Sebesta v. Davis*, 878 F.3d 226, 231 (7th Cir. 2017) ("states are not among the 'persons' covered by" § 1983). There is no exception to the state of Indiana's Eleventh Amendment immunity discernible in the Complaint. *Ameritech Corp. v. McCann*, 297 F.3d 582, 585 (7th Cir. 2002) (setting forth limited exceptions to a state's sovereign immunity under the Eleventh Amendment). As a result, all claims against the state of Indiana are dismissed. The **clerk is directed** to remove the State of Indiana from the docket.

The **clerk is directed** under Federal Rule of Civil Procedure 4(c)(3) to issue process to Defendant Sergeant Fischer in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

SO ORDERED.

Date: 7/10/2020

Distribution:

PETER BROWN
P.O. Box 881442
Indianapolis, IN 49208

Sergeant Fischer
50 N. Alabama Street
Indianapolis, IN 46204

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana